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**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: February 14, 2019

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: February 7, 2019

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

CRAIG D MARTIN and
HENRIETTA A MARTIN,

Debtors.

Case No.: 18-40001-MJH

NOTICE OF AND MOTION FOR DISMISSAL
PURSUANT TO 11 U.S.C. § 1307(c)

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Mary Jo Heston at **1:00 P.M. on February 14, 2019**, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom H, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, **NOT LATER THAN THE RESPONSE DATE**, which is **February 7, 2019**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

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MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtors filed this case on **January 2, 2018**. The case was confirmed by order of the Court on **April 21, 2018**.
2. Pursuant to the confirmed plan, Debtors are required to make plan payments of **\$3,650.00** per month applied as \$100.00 per month ongoing and \$3,550.00 per month to cure the plan payment delinquency. Debtors are presently delinquent in plan payments in the amount of **\$17,100.00**, supported by the Declaration filed herewith.
3. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 14th day of January, 2019 at Tacoma, Washington.



Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee